
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

JERRY ERNEST LOPEZ,

Plaintiff,

v.

**SOCIAL SECURITY ADMINISTRATION; and
UNITED STATES OF AMERICA,**

Defendants.

**ORDER AFFIRMING AND ADOPTING
REPORT & RECOMMENDATION**

Case No. 1:24CV00036-DAK-DAO

Judge Dale A. Kimball

Magistrate Judge Daphne A. Oberg

This case was assigned to United States District Court Judge Dale A. Kimball, who referred the case to United States Magistrate Judge Daphne A. Oberg under 28 U.S.C. § 636(b)(1)(B). On August 22, 2024, the Commissioner of Social Security filed a Motion to Dismiss for Lack of Jurisdiction.¹ On December 4, 2024, the Magistrate Judge entered a Report and Recommendation (“R&R”), recommending that the court grant the Motion to Dismiss on the ground that the agency decisions that Mr. Lopez sought to challenge are not final decisions subject to judicial review. The court, therefore, does not have jurisdiction over Mr. Lopez’s claims.²

The R&R notified the parties that any objection to the R&R must be filed within fourteen days of being served with a copy of the R&R. Over a month has passed since the R&R was entered, and the court has not received an objection.

¹ ECF No. 22.

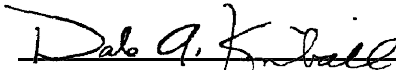
² ECF No. 23.

“In the absence of timely objection, the district court may review a magistrate [judge's] report under any standard it deems appropriate.” *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); *see also Thomas v. Arn*, 474 U.S. 140, 150, (1985) (“It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings”). The court is satisfied that Judge Oberg’s Recommendation is sound and that there is no clear error on the face of the record. *See* Fed. R. Civ. P. 72(a).

Accordingly, the court affirms and adopts Magistrate Judge Oberg’s Report and Recommendation [ECF No. 23] in its entirety. Accordingly, Defendant’s Motion to Dismiss [ECF No. 22] is GRANTED, and this action is dismissed without prejudice.

DATED this 7th day of January 2025.

BY THE COURT:


DALE A. KIMBALL
United States District Judge